

## **REMARKS**

This paper is responsive to the *Official Action* that issued in this case on 8 December 2009. In that *Action*, the Office rejected claims 1-24 as follows:

- Claims 1-8, 11-13, and 16-24 were rejected under 35 U.S.C. 102 as being anticipated by U.S. Patent No. 7,447,495 B2 (hereinafter "Agrawal").
- Claims 9, 10, 14, and 15 were rejected under 35 U.S.C. 103 as being unpatentable over Agrawal in view of U.S. Patent No. 6,718,014 (hereinafter "Haim").

The applicants respectfully request reconsideration in light of the following comments.

### **The Invention**

The present invention provides a way to deliver a voice mail to a recipient with presence information (*i.e.*, the availability) of the sender.

For example, John leaves a voice mail for his friend Sally and the voice mail is stored in Sally's voice mailbox. At some point in time, Sally uses her terminal (*e.g.*, her cell phone) to query a server to retrieve John's voice mail and his presence information; that is, whether John is currently available to communicate via e-mail, instant message, a telephone call, or other communication means at a particular terminal. In response to Sally's query, the server retrieves John's voice mail and his presence, which are both subsequently transmitted to Sally's terminal for display. Upon receiving the server's response, Sally's terminal simultaneously displays John's voice mail and an indication of his presence. This indication can be, for example, an indication of whether John is currently available to communicate via e-mail, instant message, a telephone call, or other communication means.

This capability is advantageous because it enables Sally to receive a voice mail and subsequently determine the best mode of communication to use when responding to John's voice mail.

### **35 U.S.C. 102 Rejection of Claims 1-8, 11-13, and 16-24**

The Office alleges that claims 1-8, 11-13, and 16-24 are anticipated by Agrawal. The applicants respectfully traverse the rejection.

**Claim 1:** There are at least two limitations recited in claim 1 that are not disclosed in Agrawal. Claim 1 recites a method for delivering a voice mail message to a recipient, comprising:

*receiving said voice mail message from a sender;*  
*obtaining a presence status of said sender from a presence server; and*  
*delivering said voice mail message to said recipient with an indication of a presence of said sender, said indication including an identification of at least one device where said sender is present.*

First, Agrawal does not teach receiving a **voice mail message** from a sender. The applicant's specification explicitly describes what a "voice mail message" is at P4, L4-5:

As previously indicated, a voice mail message generally comprises *audio message content* and one or more indicated recipients.

The Office alleges that Agrawal's disclosure of "instant messaging" reads on the recited "voice mail message." This interpretation is not reasonable because instant messaging and voice mail are two distinct modes of communication. Some of the distinctions between instant messaging and voice mail include:

- **Instant Messaging:** (1) a sender of an instant message and a recipient of the instant message must be connected to a server at the same time to communicate with one another and (2) instant messaging uses text as a mode of communication between two or more users.
- **Voice Mail:** (1) a sender of a voice mail and a recipient of the voice mail are not required to be connected to a server at the same time to transmit and receive a voice mail and (2) voice mail uses audio as a mode of communication between two or more users.

These distinctions are well known and well understood by those skilled in the art. As a consequence, one skilled in the art would not read Agrawal as teaching or otherwise suggesting anything pertaining to a voice mail message, as per claim 1.

Second, Agrawal does not teach delivering a voice mail message to said recipient **with** an indication of a presence of said sender. In other words, the voice mail message and the sender's presence information are simultaneously transmitted to the recipient's terminal for display.

The Office alleges that Agrawal's disclosure of a "buddy list" reads on the limitation of "delivering said voice mail message to said recipient with an indication of a presence of said sender." This interpretation is not reasonable as explained below.

Agrawal discloses at Col. 3, Lines 53-60:

FIG. 2A illustrates acquisition and updating of application level user presence data. A mobile station 220 (typically a cell phone) initiates or 'logs in' to an instant messaging (IM) application at an IM application server 222 through a gateway 224. The IM application server 222 communicates that the user is active to a presence server 226 and *a presence notification is delivered to a selected contact, typically a so-called buddy 228, i.e., a user who is a member of a 'buddy list.'*

Agrawal also discloses at Col. 6, Line 57 through Col. 7, Line 2:

User presence data can be used in various applications. *For example, a buddy list can be presented to an instant messaging user to identify members of the buddy list that are currently available.*

A "buddy list" is a conventional tool used by instant messaging applications that enables a user to create a social community, such as, for example, a list of school friends, family members, co-workers, etc. Once created, the buddy list displays whether a member of the buddy list has logged-on or logged-off their respective instant messaging applications, thus, providing a form of presence information.

The excerpts from Agrawal do not teach that a voice mail message is delivered to a recipient **with** an indication of the sender's presence. Similar to the conventional buddy list described above, and contrary to claim 1, Agrawal discloses that a server delivers presence information to a user's "buddy list" as members of the buddy list logs-in and logs-off their respective instant messaging applications. But there is no teaching or suggestion that the server simultaneously delivers a sender's instant message with the sender's presence information to a recipient.

For these reasons, claim 1 is not anticipated by Agrawal. Because claims 2-8 and 11 depend on claim 1, they are likewise not anticipated by Agrawal. The recitation of additional patentable features in these dependent claims provides another basis for their patentability.

**Claim 12:** There are at least two limitations recited in claim 12 that are not disclosed in Agrawal. Claim 12 recites a method for delivering a voice mail message to a recipient, comprising, in pertinent part:

receiving said voice mail message from a sender;  
obtaining a presence status of said sender; and  
providing a mechanism for said recipient to automatically respond to  
said sender at a device where said sender is believed to be present.

First, Agrawal does not teach receiving a voice mail message from a sender. This limitation is traversed for the same reasons as presented for claim 1, above.

Second, Agrawal does not teach providing a mechanism for said recipient to automatically respond to said sender at a device where said sender is believed to be present.

The Office states that claim 12 is rejected for the same reasons as claims 1 and 17. But these claims do not “providing a mechanism for said recipient to automatically respond to said sender at a device where said sender is believed to be present.”

For this reason and the reasons discussed above with respect to claim 1, the applicants submit that claim 12 is allowable over Agrawal. Since claims 13 and 16 depend on claim 12, they are likewise believed to be allowable. The recitation of additional patentable features in these dependent claims provides another basis for their patentability.

**Claim 17:** There are at least two limitations recited in claim 17 that are not disclosed in Agrawal. Claim 17 recites an apparatus for delivering a voice mail message to a recipient, comprising:

a memory; and  
at least one processor, coupled to the memory, operative to:  
receive said voice mail message from a sender;  
obtain a presence status of said sender from a presence server; and  
delivering said voice mail message to said recipient with an indication  
of a presence of said sender, said indication including an identification of at  
least one device where said sender is present.

Claim 17 is allowable over Agrawal for essentially the same reasons as claim 1. Namely, Agrawal fails to teach or suggest:

- (1) receiving a voice mail message from a sender and
- (2) delivering the voice mail message to the recipient with an indication of the sender's presence.

Claims 18-24, which are dependent on claim 17, are likewise allowable over Agrawal. The

recitation of additional patentable features in these dependent claims provides another basis for their patentability.

**35 U.S.C. 103 Rejection of Claims 9, 10, 14, and 15**

The Office alleges that combination of Agrawal and Haim obviate claims 9, 10, 14, and 15.

Haim provides no teaching or suggestion regarding:

- (1) receiving a voice mail message from a sender, as recited in claims 1 and 12;
- (2) delivering the voice mail message to the recipient with an indication of the sender's presence, as recited in claim 1; or
- (3) providing a mechanism for said recipient to automatically respond to said sender at a device where said sender is believed to be present, as recited in claim 17.

As a consequence, Haim does not cure the deficiencies of Agrawal with respect to these limitations of independent claims 1, 12, and 17. Since claims 9 and 10 are dependent on claim 1, and claim 1 is believed to be allowable over the combination of Agrawal and Haim for the reasons presented, claims 9 and 10 are allowable as well. Since claims 14 and 15 are dependent on claim 12, and claim 12 is believed to be allowable over the combination of Agrawal and Haim for the reasons presented, claims 14 and 15 are also allowable. The recitation of additional patentable features in dependent claims 9-10 and 14-15 provides another basis for their patentability.

**Conclusion**

In view of the foregoing, it is believed that claims 1-24 now presented for examination are allowable over the art of record and are in condition for allowance. A notice to that effect is respectfully requested.

Respectfully,  
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